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DANIEL REARDON, et al.,

Plaintiffs,

v.

ILLINOIS TOOL WORKS INC.,

Defendant.

CASE NO.

JUDGE

NOTICE OF REMOVAL

FILED

JAN 10 2011

MICHAEL E. KUNZ, Clerk  
By \_\_\_\_\_ Dep. Clerk

Defendant Illinois Tool Works Inc. ("ITW") hereby gives notice of the removal of a civil action, Case ID 101201349, from the Philadelphia County, Pennsylvania Court of Common Pleas (the "state action") to the United States District Court for the Eastern District of Pennsylvania. Removal of the state action is proper under 28 U.S.C. §§ 1441(a) and 1446 for the reasons set forth below.

1. On December 15, 2010, Plaintiffs filed the state action against ITW in the Philadelphia County, Pennsylvania Court of Common Pleas. The Civil Cover Sheet and Complaint, which constitute all process, pleadings, and orders in the state action, were served on ITW on January 4, 2011. (See Exhibit 1.) This Notice of Removal is timely filed, within thirty days of the Complaint's service on ITW.

2. The state action is a civil action over which this Court has original diversity jurisdiction under 28 U.S.C. § 1332(a) for the following reasons:

- (a) Plaintiffs Daniel Reardon and Anita Heriot Reardon are residents of the Commonwealth of Pennsylvania. (Complaint ¶¶ 1-2.)
- (b) ITW is, and was at all relevant times, a Delaware corporation with its principal place of business in Illinois. (*Id.* at ¶ 3.)

(c) Upon information and belief, Plaintiffs are seeking in excess of \$75,000.00, exclusive of interest and costs. In their complaint, Plaintiffs allege that Daniel Reardon "suffered numerous injuries" to his right arm, hand, and thumb that have caused him to suffer, *inter alia*, "extraordinary pain," loss of the ability "to attend to usual and daily activities," "loss of the use of his hand," and "permanent disfigurement." (*Id.* at ¶¶ 19, 21-22, 26.) In addition, Plaintiffs allege that Daniel Reardon has undergone surgeries and has incurred and will incur in the future "substantial medical expenses." (*Id.* at ¶¶ 19-21, 26.) Plaintiffs also contend that Daniel Reardon has suffered lost earnings and loss of earning capacity. (*Id.* at ¶¶ 23, 26.) Finally, Anita Reardon seeks additional damages for the loss of Daniel Reardon's "care, comfort, consortium, society, and companionship" as a result of Daniel Reardon's injuries. (*Id.* at ¶¶ 40-41.) Based on the nature of Plaintiffs' alleged injuries and damages, the amount in controversy exceeds \$75,000.00.<sup>1</sup>

(d) Removal to this Court is proper as this District includes the County where the state action is pending.

3. This Court has now, and had when the action was commenced, original diversity jurisdiction under 28 U.S.C. § 1332(a) as there is complete diversity of citizenship between Plaintiffs and ITW, and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

4. ITW has given written notice of the filing of this Notice of Removal pursuant to 28 U.S.C. § 1446(d) by filing this Notice of Removal with the Philadelphia, County Court of

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<sup>1</sup> Pursuant to Pennsylvania Rule of Civil Procedure 1021(c) and Philadelphia County Local Rule 1301, Plaintiffs allege they are seeking damages in excess of \$50,000.00 to indicate the case is not appropriate for compulsory arbitration. (See Complaint.) Pennsylvania Rule of Civil Procedure 1021(c) requires that plaintiffs state whether the amount claimed exceeds the jurisdictional amount requiring referral to arbitration in counties having rules governing compulsory arbitration. Philadelphia County Local Rule 1301 provides that all cases having an amount in controversy of \$50,000.00 or less shall be assigned to the Compulsory Arbitration Program.

Common Pleas and by giving written notice to Plaintiffs' counsel. A copy of ITW's Praecept to File Notice of Removal is attached as Exhibit 2. A copy of ITW's Notice to Plaintiffs is attached as Exhibit 3.

WHEREFORE, this action is removed from the Philadelphia County, Pennsylvania Court of Common Pleas to the United States District Court for the Eastern District of Pennsylvania.

*William A. Rubert*

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**CERTIFICATE OF SERVICE**

A copy of the foregoing Notice of Removal was served by regular U.S. Mail, postage prepaid, this 11th day of January, 2011, on:

Mark J. Lewinter, Esq.  
Jeffrey S. Downs, Esq.  
Anapol, Schwartz, Weiss, Cohan, Feldman & Smalley, P.C.  
1710 Spruce St.  
Philadelphia, PA 19103

Attorneys for Plaintiffs

**FILED**

**JAN 10 2011**

**MICHAEL E. KUNZ, Clerk**  
By \_\_\_\_\_ Dep. Clerk

*William A. Rubert*  
William A. Rubert, Esq.

Attorney for Defendant Illinois Tool Works Inc.